UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

In re	)	CHAPTER 11
	)	CASE NO. 06-13020-JNF
655 CORPORATION,	)	
Debtor.	)	

MOTION TO CONDUCT RULE 2004 EXAMINATION OF KEEPER OF THE RECORDS OF CATHAY BANK

Mark G. DeGiacomo, Chapter 11 Trustee of the above-captioned debtor (the "Trustee") hereby moves this Court for the entry of an order authorizing the Trustee to conduct an examination of the keeper of records of Cathay Bank ("Cathay") and the person most knowledgeable concerning the outstanding balance due to Cathay pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure.

In support of this motion, the Trustee states the following:

1. On September 1, 2006, the Debtor filed a voluntary petition pursuant to Chapter 11 of the Bankruptcy Code (the "Petition Date").

2. On October 4, 2007, this Court entered an Order requiring the Office of the United States Trustee to appoint a Chapter 11 trustee.

3. On October 5, 2007, the Trustee was appointed as the Chapter 11 Trustee of the bankruptcy estate of the Debtor.

4. Prior to the Petition Date, Cathay, through its predecessor-in-interest, General Bank, made a loan to the Debtor in the amount of $5,600,000 (the "Loan") to finance the development of 18 condominium units and 44 parking spaces located at 655 East Second Street, South Boston, Massachusetts (the "Project").

5. To date, the Trustee has sold 13 condominium units and 38 parking spaces. The

closing for another unit and one parking space is scheduled to take place on March 9, 2009, and a purchase and sale agreement for the sale of one of the two units being sold pursuant to Boston Redevelopment Guidelines is currently being negotiated.

6. The Trustee requires the testimony under oath of Cathay to obtain information supporting the payoff balance asserted by Cathay and the fees and charges assessed by Cathay in connection with the Loan. The Trustee further seeks to obtain information concerning the advances made to the Debtor under the Loan and copies of any forbearance documents executed by and between Cathay and the Debtor. This information is necessary for the Trustee to determine the balance owed to Cathay under the Loan and to ascertain what distribution, if any, would be available to creditors. The Trustee believes that the taking of a Rule 2004 examination is in the best interest of the bankruptcy estate.

WHEREFORE, the Trustee requests the entry of an Order authorizing a Rule 2004 Examination of Cathay Bank at the offices of Murtha Cullina LLP, 99 High Street, Boston, Massachusetts on March 11, 2009 at 10:00 a.m., with document production to be accomplished by February 27, 2009 as more fully described in Exhibit A attached hereto.

Respectfully submitted,

MARK G. DEGIACOMO, CHAPTER 11
TRUSTEE OF 655 CORPORATION,

By his attorneys,

/s/ Taruna Garg

Mark G. DeGiacomo, Esq. BBO #118170
Taruna Garg, Esq. BBO #654665
Murtha Cullina LLP
99 High Street
Boston, MA 02110
617-457-4000 Telephone
617-482-3868 Facsimile

Dated: February 11, 2009

EXHIBIT A

Pursuant to Rule 2004(c) and Rule 9016 of the Federal Rules of Bankruptcy Procedure, the Trustee hereby requests that Cathay ("Cathay") produce each and every document identified below.

INSTRUCTIONS

1. You are required to produce each document as described below that is in your custody and control, or in the custody and control of your agents, employees, or attorney(s).

2. The past tense shall be construed to include the present tense and vice-versa to make the request inclusive rather than exclusive.

3. The singular shall be construed to include the plural and vice versa to make the request inclusive rather than exclusive.

DEFINITIONS

As used herein, the following terms shall have the meanings indicated below:

1. The term "Debtor" shall mean the Debtor, 655 Corporation.

2. The term "Petition Date" shall mean September 1, 2006.

3. The term "Cathay" shall mean Cathay Bank and/or its predecessor-in-interest, General Bank.

4. The term "Loan" shall mean a loan in the amount of $5,600,000 made to the Debtor by General Bank on or about May 14, 2003.

5. As used in this request, the term "document" is equal in scope with the definition contained in Fed. R. Civ. P. 34 and includes, but is not limited to, any papers, writings, notes, contracts, memoranda, reports, financial records, computer or other business machine records, communications sent via any electronic means, included but not limited to Internet and extranet compilations or written or graphic material stored in a tangible, electronic, mechanical or electric form, or any representation of any kind, including but not limited to, materials stored on or in computer disks, networks, mainframes, hard drives, CD-ROM, tapes or other forms of memory as well as back-up and deleted files of any computer storage device or media, whether located on or off site, from which the information can be obtained, as well as any draft, non-identical copy, and/or translation of the foregoing.

6. The terms "and" and "or" shall, where the context permits, be construed as "and/or", so as to be inclusive rather than exclusive.

7. The term "concerning" means referring to, relating to, describing, evidencing or constituting.

REQUESTS

REQUEST NO. 1

The complete loan file for any loans made by Cathay to the Debtor, including, but not limited to, loan applications, loan documents, commitment letters, HUD statements, closing documents, internal notes and communications.

REQUEST NO. 2

All documents evidencing advances to the Debtor or any third party for any loan to the Debtor, including, but not limited to, copies of cancelled checks, wire transfers, invoices and/or receipts and internal notes and communications.

REQUEST NO. 3

All documents concerning any payments made by the Debtor to Cathay including all payment histories and account statements.

REQUEST NO. 4

All documents concerning all interest, fees and charges assessed by Cathay upon any loan made to the Debtor.

REQUEST NO. 5

All documents supporting the balance owed by the Debtor for any loan made by Cathay including all advices of credit and/or debit to any accounts of the Debtor and all source documentation for every entry made to the loan account.

REQUEST NO. 6

All documents concerning any forbearance agreements executed by and between Cathay and the Debtor.

REQUEST NO. 7

All documents concerning any expenses sought by Cathay as part of the balance on the Loan, including legal fees, appraisal fees and any other expenses.

REQUEST NO. 8

All documents which concern, refer or relate to LBM in connection with the Loan.

REQUEST NO. 9

Copies of any title insurance policy obtained by Cathay in connection with the Loan.

REQUEST NO. 10

All documents concerning claims made by Cathay under a title insurance policy in connection with the Loan.